



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF DECEMBER 2, 2004**

CALL TO ORDER: Chairperson Weaver called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Weaver, Vice Chairperson Wieckowski, Commissioners Harrison, Lydon, Natarajan, Sharma (arrived 7:06 p.m.)

ABSENT: Commissioner King (excused)

STAFF PRESENT: Jeff Schwob, Planning Director  
Larissa Seto, Senior Deputy City Attorney II  
Julie Vidad-Balmoja, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Miriam Schalit, Video Technician

APPROVAL OF MINUTES: None

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 2, AND 3

IT WAS MOVED (HARRISON/NATARAJAN) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 2, AND 3.

**Item 2. VESTING TENTATIVE PARCEL MAP 8326 – 177 Williams Court – (PLN2005-00057)** – to consider a Tentative Parcel Map and Subdivision Modification for a three-lot single family residential subdivision on a 0.61 acre parcel with one lot having an existing home (circa 1949) and one new single-family home and a secondary dwelling unit on each of the remaining two lots in the Niles Planning area. This project is categorically exempt under CEQA Section 15315 as it relates to Minor Land Division.

**HOLD PUBLIC HEARING;**

**AND**

**FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15315 OF THE CEQA GUIDELINES;**

**AND**

**FIND THAT THE MODIFICATION TO THE LENGTH OF THE LOTS IS WARRANTED BECAUSE OF THE SITE CONFIGURATION, LENGTH OF THE PARCEL AND THE PRESERVATION OF THE EXISTING HOME;**

**AND**

**FIND VESTING TENTATIVE PARCEL MAP 8326 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

AND  
FIND VESTING TENTATIVE PARCEL MAP 8326 FULFILLS THE INTENT OF THE  
APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND  
APPROVE TENTATIVE PARCEL MAP 8326, AS SHOWN ON EXHIBIT "A", BASED UPON  
THE FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN  
EXHIBIT "B".

- Item 3. **DEER ROAD – 1238 Deer Road – (PLN2005-00082)** – to consider an extension to an approved Tentative Tract map 7250 for a 5-Lot Subdivision. A Mitigated Negative Declaration has been previously prepared and was adopted for this site on December 12, 2002, as part of the original tentative tract map application (PLN2002-00204).

HOLD PUBLIC HEARING;

AND  
FIND THE PREVIOUS INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR  
THE GENERAL PLAN AMENDMENT HAS EVALUATED THE POTENTIAL IMPACTS  
THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR  
CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO  
EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON  
WILDLIFE RESOURCES;

AND  
FIND THAT THE MITIGATED NEGATIVE DECLARATION, ADOPTED BY COUNCIL ON  
DECEMBER 10, 2002, CONSIDERED ALL IMPACTS RELATED TO THE PROJECT AND  
THAT NO NEW IMPACTS WILL RESULT FROM THIS DEVELOPMENT;

AND  
FIND PLN2005-00082 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS  
CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS  
INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL  
PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF  
REPORT;

AND  
APPROVE A ONE YEAR EXTENSION TO DECEMBER 10, 2005 OF TENTATIVE TRACT  
MAP 7250, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS  
ON EXHIBIT "B".

The motion carried by the following vote:

AYES:	6 – Harrison, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

### **PUBLIC HEARING ITEMS**

- Item 1. **WALNUT RETAIL/OFFICE PLAZA – 3870 Walnut Avenue – (PLN2004-00105)** – to consider a Finding for Site Plan and Architecture for the development of a new 8,350 square foot retail/office building located in the Central Planning Area. This project is categorically exempt under CEQA Section 15303(c) as it relates to the construction of a new structure of less than 10,000 square feet in an urbanized area.

**Joseph Palafox**, architect, stated that at least five retail spaces would be available with one space to be occupied by the owner. Stucco and brick would be used with wood and metal elements for the trim along with black canvas awnings. The façade would consist of different heights with a rounded corner facing Fremont Boulevard, although a 45-degree square corner was also being considered.

**Commissioner Natarajan** asked if a drawing was available showing the square corner. She asked why they preferred the round form. Why was the glass to be tinted rather than clear? What would the public art be and where would it be located? If parking was not a problem, would the owner prefer to build a two-story building?

**Mr. Palafox** replied that the rounded corner gave the building a softer look, where if all the corners were sharp, the building would look abrasive. He agreed that the glass could be clear. The public art would be incorporated somewhere near the corner in front of the building. The art form had not been decided upon, yet. Yes, a two-story building would have been preferable.

**Chairperson Weaver** opened and closed the public hearing.

**Vice-Chairperson Wieckowski** understood that the parking was part of a joint agreement with two nearby restaurants. It seemed that 26 parking spaces were needed leaving one extra space for this project. He asked if it was possible for the building to be twice the size as the one presented.

**Planning Director Schwob** replied that it was technically feasible; however, the owner had not come to terms with the adjacent parcel owner regarding the number of spaces that could be used in excess of a .50 floor area ration (FAR) building.

**Commissioner Natarajan** complimented the applicant for working with staff concerning the design. However, she expressed concern about the corner element, because it "looks clunky." She encouraged the applicant to continue working with staff to either reduce the diameter of the circular element, so that it was smaller and appeared taller, or use the square element, which made a statement because of the angle. She recommended using clear glass because it was appropriate in the downtown and she agreed with staff that the combination of metal and wood might not be appropriate, especially since brick and stucco would be used. She asked that the artwork come back to the Commission as an informational item. She asked why the brick in Condition 20 would be allowed to be one of two very different colors. With future downtown projects, she asked for a rendering that would give a sense of the street furniture and other amenities that would help the Commission to visualize the look and feel of the storefront or building.

**Planning Director Schwob** admitted that he did not know why white/gray was mentioned in the condition when red brick was shown in the rendering.

**Chairperson Weaver** opened the public hearing to allow the applicant to address the question concerning the color of brick.

**Mr. Palafox** stated that he had known nothing of the white/gray color until he read it in the report. However, it might be a good idea and he would discuss it with staff. If the brick color were changed, all the other colors would be changed, also.

**Chairperson Weaver** closed the public hearing.

**Commissioner Natarajan** suggested that staff work with the applicant to make sure that the stucco color provided enough of a contrast with the brick. She pointed out that Conditions 61 and 62 should be under General Conditions rather than under During Construction “and interspersed below the cornice line to a lesser degree”, as stated in Condition, 14 should be omitted.

**Vice-Chairperson Wieckowski** asked what kind of architectural look would be achieved with the wood mentioned in Condition 14.

**Commissioner Natarajan** agreed that the wood element would be inconsistent with the rest of the metal details. She suggested that detail be worked out with staff. She asked if staff could give the Commission a sense of the timeline to allow on-street parking, since it could have benefited this project by allowing the building to be two stories.

**Planning Director Schwob** replied that budgetary constraints and staffing levels had not allowed any more work on the implementation of CBD design standards. An additional engineer had been hired, which should help with moving forward on other long-term City projects next year. This building had to be pushed back to accommodate a public easement.

**Vice-Chairperson Wieckowski** asked what kind of parking on Walnut Avenue was called for and how many additional parking spaces would be created within 157 feet?

**Planning Director Schwob** replied that, in this instance, parking would be parallel. He stated that 3-4 spaces could be created, accounting for the driveway cut and bus stop.

**Commissioner Natarajan** asked if the parallel parking had been approved.

**Planning Director Schwob** stated that the parking had been approved but could be an issue as intersections with turning lanes were approached.

IT WAS MOVED (NATARAJAN/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION

**HOLD PUBLIC HEARING;**

**AND**

**CHANGE TINTED GLASS TO CLEAR;**

**AND**

**CONSIDER SQUARE VERSUS ROUNDED CORNER OR REDUCE THE DIAMETER OF THE CIRCULAR ELEMENT SO THAT IT IS SMALLER AND APPEARS TALLER;**

**AND**

**STAFF REVIEW A SAMPLE OF THE COLOR ON THE BUILDING BEFORE A FINAL DECISION WAS MADE;**

**AND**

**PUBLIC ART AND ITS LOCATION TO COME BACK TO THE COMMISSION AS AN INFORMATIONAL ITEM;**

**AND**

**ELIMINATE LAST CLAUSE OF CONDITION 14;**

**AND**

**MOVE CONDITIONS 61 AND 61 TO GENERAL CONDITION SECTION;**

**AND**

**FIND THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA SECTION 15303(C) AS IT RELATES TO THE CONSTRUCTION OF A NEW STRUCTURE OF LESS THAN 10,000 SQUARE FEET IN AN URBANIZED AREA;**

**AND**

**FIND THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND POLICIES AS DISCUSSED IN THE STAFF REPORT AND FINDINGS OF EXHIBIT "B" HEREWITH;**

**AND**

**APPROVE PLN2004-00105, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "B".**

The motion carried by the following vote:

AYES:	6 – Harrison, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

**Item 4. PASTA ? – 3720 Mowry Ave – (PLN2005-00120)** – to consider a Finding for Site Plan and Architectural approval for a remodel of an existing 5,400 sq. ft. restaurant building located in the Central Business District. This project is categorically exempt from review under CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures.)

**Mark English**, I Studios, introduced his partner, Alex, and stated that the old Pizzeria Uno restaurant was to be transformed to their pasta restaurant. They hoped to create a Tuscan feel to the restaurant with outdoor dining and rich wood awnings, which was a nice alternative to the typical fabric awning. The location of the building and the restaurant's theme warranted the color of paint that had been selected.

**Commissioner Natarajan** liked the outdoor dining and the landscaping. However, she had an issue with the color scheme. She thought that the rich wood awnings and the deep red building would clash and she suggested that he work with staff; perhaps making the wood slats a lighter shade and looking at paint samples on the building before making a decision. She agreed that the entrance needed to be emphasized with the vertical element that was proposed. She also suggested refining the pitched roof, as it may not add to the Tuscan flavor, as it was shown in the rendering.

**Mr. English** agreed that fine-tuning the colors on site was a good idea.

**Vice-Chairperson Wieckowski** asked what a traditional Tuscan entrance would look like.

**Mr. English** replied that columns of some sort were usually used. However, he felt that columns had been overused in California and he believed that making the entrance simple and "cleaner" was the way to accomplish that look.

**Commissioner Harrison** complimented the applicant on the pop out, which would emphasize the entrance. He also agreed that painting samples of the colors on site was the best way to get good color coordination.

**Chairperson Weaver** opened and closed the public hearing.

IT WAS MOVED (HARRISON/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION

**HOLD PUBLIC HEARING;**

AND

ADD CONDITION A-26: THE APPLICANT SHALL WORK WITH STAFF TO IMPROVE THE CONTRAST IN COLOR BETWEEN WOOD AWNINGS (PERHAPS A LIGHTER TONE) AND THE BUILDING COLOR. COLOR SAMPLES SHALL BE REVIEWED AND APPROVED ON SITE WITH THE PROJECT PLANNER PRIOR TO FINAL APPLICATION OF BUILDING PAINT COLORS.

AND

FIND PLN2005-00120, AS PER EXHIBIT "A" (SITE PLAN & ELEVATIONS) IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND OBJECTIVES OF THE CENTRAL BUSINESS DISTRICT;

AND

FIND PLN2005-00120 IS CATEGORICALLY EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15301 RELATED TO ALTERATIONS TO EXISTING FACILITIES;

AND

APPROVE PLN2005-00120, AS SHOWN ON EXHIBIT "A" AND SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

The motion carried by the following vote:

AYES:	6 – Harrison, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

**Chairperson Weaver** read a Resolution of Appreciation and Commendation for Vice-Chairperson Wieckowski for his tenure on the Planning Commission and his new position as City Councilmember.

- Information from Commission: Commission members may report on matters of interest.

**Commissioner Harrison** noted that the January 13<sup>th</sup> agenda had 32 single-family houses for the Linda Vista project, which should be different number.

**Planning Director Schwob** stated that it was still uncertain how many lots there would be, because the neighbors had requested that a park be included as part of the project.

**Commissioner Natarajan** asked for an update of the Warm Springs Specific Plan update.

**Planning Director Schwob** replied that four alternatives were being studied along with traffic data to see what intensity of development could be supported by the infrastructure network. He noted a further update would be provided in January 2005.

## Election of Year 2005 Officers

**Commissioner Sharma** suggested that elections be held after the new member was appointed.

It was decided to move forward with the election.

**Commissioner Harrison** was nominated for Chairperson by **Commissioner Natarajan/Commissioner Lydon**. He was elected by all present.

**Commissioner Natarajan** was nominated for Vice-Chairperson by **Commissioner Harrison/Commissioner Lydon**. She was elected by all present.

**Vice-Chairperson Wieckowski** congratulated the two new officers and expressed gratitude to Chairperson Weaver for her leadership during the last year. He looked forward to his new duties with the City Council.

Meeting adjourned at 7:50 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte  
Recording Clerk

Jeff Schwob, Secretary  
Planning Commission